



*Preserving America's Heritage*

**ACHP COMMITTEE MEETINGS  
SUMMARY OF PROCEEDINGS  
National Building Museum  
Washington, D.C.  
April 3, 2019**

**FEDERAL AGENCY PROGRAMS COMMITTEE**

Committee Chairman Jordan Tannenbaum called the meeting to order and asked Office of Federal Agency Programs (OFAP) Director Reid Nelson to report on staffing. Mr. Nelson announced that Jaime Loichinger was selected as the new assistant director of the Federal Permitting, Licensing, and Assistance Section. He also introduced Bill Marzella as the new Bureau of Land Management (BLM) Liaison, and Alexis Clark, who is now a permanent assistant historic preservation specialist in the Federal Property Management Section.

**Strategic Planning Preparation**

Chairman Tannenbaum framed the committee's consideration of preliminary input into an updated strategic plan as setting the stage for the arrival of a new full-time ACHP chairman. The strategic planning process will occur formally once the new chairman has been confirmed. Members were provided with a summary of accomplishments primarily staffed by OFAP under the existing strategic plan, particularly those involving federal preservation programs and fostering the protection and enhancement of historic properties (goals II & III), which relate to oversight of the Section 106 review process.

Mr. Nelson reviewed a series of ongoing priorities, described in the meeting book paper, that the ACHP anticipates carrying forward in a new strategic plan. Chairman Tannenbaum asked for feedback and reaction from the committee to these priorities or the addition of new ones.

Shasta Gaughen (NATHPO) and Luis Hoyos suggested that addressing the effects of climate change on historic preservation should be added as a goal and might include activities like education, outreach, or vulnerability assessments.

Dan Jiron (USDA) offered suggestions related to other federal requirements and land management activities, including addressing Section 106 coordination with agencies' obligations to meet the One Federal Decision (OFD) policy directive, addressing wildfires and forest management in concert with NEPA streamlining efforts, and planning for rural broadband expansion given that a rulemaking is likely. Mr. Nelson mentioned that tailoring the Section 106 process through program alternatives was a broad strategy that might be appropriate for several of these specific ends. Reno Franklin added that program alternatives for forest management should be broadly applicable in terms of managing the risk of fires for both forests and their host communities.

David Clarke (FHWA) and Colleen Vaughn (DOT) echoed prioritizing engagement with the OFD policy

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as an emerging and important consideration for federal agency planning. Strategies to address it might include both specific and shared agency guidance. Ms. Vaughn suggested NEPA-Section 106 training and training about how to develop complex Programmatic Agreements wherein multiple SHPOs and/or THPOs participate would help develop solutions to achieve the collaboration necessary to carry out OFD.

Maureen Sullivan (DoD) recommended framing the plan so that fulfillment is not simply ACHP participation in an effort, but a measurable contribution. She also advocated perpetuating the ACHP's work on training, including specialized/tailored training.

ACHP Chairman Wayne Donaldson suggested inclusion of traditional knowledge and considering changing the National Historic Preservation Act (NHPA) regulations to better integrate tribal consultation. He said the Section 106 process may not have yet met the ACHP's goals for early interaction with SHPOs and THPOs, and that the ACHP's involvement of industry in the review procedure may also be needed.

Chairman Tannenbaum noted questions about Section 110 of the NHPA and how it intersects with Section 106 often surface when he teaches Section 106 courses. Mr. Nelson said the ACHP had explored working with the National Park Service (NPS) to produce Section 110-focused training in the past and could revisit that effort.

Serena Bellew (GSA) urged that the new strategic plan incorporate a role for the ACHP in facilitating communication between SHPOs and Federal Preservation Officers. John Fowler observed that the capability of a full-time chairman might come into play for this and other goals. In particular, the new chairman might be positioned to pursue resolution of long-standing federal program or policy conflicts at the policy level. Terry Guen suggested that raising the profile of the ACHP as a participant in preservation and part of the federal preservation program at the community level would be valuable.

### **Digital Information Task Force**

Blythe Semmer provided an update on the ACHP's Digital Information Task Force, which met for the second time on March 19 to refine goals and direction for the initiative. Members have proposed a focus on formulating recommendations for how the availability of digital and geospatial information about historic properties can be improved to inform federal project planning. This goal assumes that, in light of the ACHP's role in the federal preservation program, the effort centers on Section 106 reviews and how they can be made more efficient through early identification of historic places in project siting decisions. The Task Force also acknowledges the role of data managers, like SHPOs, THPOs, and tribes, and recognizes that different preservation needs may require different types of data. The Task Force will meet again in May.

Ms. Gaughen noted the sensitivity of some historic properties information as well as the general concern of data security with any online tool. Ms. Semmer clarified that the Task Force has recognized that considering the confidential or sensitive nature of some cultural resources information must factor into its recommendations.

Chairman Donaldson said past NPS efforts on this topic should inform this work. Mr. Nelson noted bringing information about that and other past efforts on this topic is part of the goal. There has been much work done on digital information management, but the Task Force will focus on what value the ACHP can add to existing programs. Members also discussed the work that state agencies have done in managing data and how a federal geospatial data transfer standard has been established.

Erik Hein (NCSHPO) observed that the concern lies not in simply exchanging information but in making sure information is roughly equivalent in content, and that the quality of input data is reliable.

The members discussed the need for funding to support advancements in data management, how such support might come from private as well as federal budget sources, and the way that industry might also make “in-kind” contributions of collected information.

ACHP Vice Chairman Leonard Forsman emphasized that, while more accessible data may be a goal, consultation is still important, and much necessary information will not be available in a database or GIS system. Consultation is necessary, and some information may not be shared in hostile relationships.

Mr. Jiron said the Task Force provided an opportunity to improve interagency coordination and data sharing.

### **Coordinating Member Review of ACHP Comment Letters**

The ACHP membership recently reviewed a chairman’s letter drafted to address the termination of consultation by the Navy in a case involving locating Growler aircraft at a base in Washington. Mr. Nelson reviewed the options for conveying ACHP comments in such cases and presented a draft protocol for making sure members are effectively involved when a chairman’s letter is developed based on experience in the Growler case.

Mr. Clarke urged flexibility in scheduling public meetings because of the difficulty in organizing them. The members discussed other time constraints relevant to the 45-day total processing time the ACHP is allotted by regulations to issue comments when consultation is terminated. In the draft protocol, the ACHP staff commits to informing the membership about a new termination within two days and deciding on the response format within five days. Mr. Fowler explained that within that period, the members have three days in which to contact the chairman and express their views on whether the ACHP response should take the form of full membership engagement in the development process, development of a response led by a panel, or the development of a chairman’s letter for membership review. During those days, the staff is also exploring the logistics of potential response pathways.

Brad White expressed concerns about member involvement in meetings about Council Comments where some topics seem to be off limits because decisions about these matters were reached earlier in the consultation process. He would like to see greater definition of options for member comment or review. Chairman Donaldson questioned whether the ACHP should be able to change positions even if it contradicted staff positions taken prior to a termination, and Elizabeth Merritt (National Trust for Historic Preservation) asked what would happen if public comments questioned a staff decision reached at an earlier stage. Mr. Fowler clarified that the membership can disagree with a staff position and can address anything it sees fit in its formal comments to a federal agency. However, the members should be mindful of the implications for making the agency, as represented by staff in earlier stages of the consultation, appear unreliable. Mr. Nelson noted that Mr. White’s concern points to considerations of whether a case is ripe for termination in terms of whether resolution of disagreements or impasses at earlier stages of the review process prior to the resolution of adverse effects has been fully accomplished. The situational awareness of a full-time chairman in the office may allow such preliminary issues to be addressed at the policy level earlier in future cases.

### **Update on Activities**

Chairman Tannenbaum called on Mr. Nelson for brief updates about other recent activities.

Ms. Semmer informed the committee that two reports from the Federal Permitting Improvement Steering Council (Permitting Council), on best practices for FY19 and an annual report on FAST-41 implementation in FY18, are forthcoming. She also mentioned the Permitting Dashboard has been recently updated and now includes Section 106 milestones that more closely align with the review process. Thanks are due to Ms. Vaughn for helping facilitate the update.

Ms. Vaughn provided an update on DOT's 2018 Program Comment for Rail Rights-of-Way. The Federal Railroad Administration has already used the Program Comment more than 100 times. Guidance on the property-based approach stipulated in the Program Comment is under development, and DOT staff is working on a draft with ACHP staff to share with the members. Ms. Loichinger noted DOT and ACHP staff are working closely on the draft and hope it will be ready by the end of the month. As a result of the furlough, the schedule for completing the guidance has shifted, and the ACHP is exploring options for a time extension with DOT.

Mr. Nelson asked Doug Pulak (VA) to discuss the status of the Department of Veterans Affairs' implementation of the recent Program Comment on Vacant and Underutilized Properties. Currently, VA is developing the composite list of properties that could be subject to the Program Comment should an applicable undertaking covered by the Program Comment be proposed; and a narrative explaining its conclusion that historic utilitarian properties may be eliminated without endangering the continued National Register eligibility of the historic districts in which they are located. The initial list was sent to the ACHP this week and will be distributed soon to SHPOs, THPOs, Indian tribes, Native Hawaiian organizations, and veterans' organizations for a 60-day review period. Angela McArdle noted the list will be distributed by email and posted on the ACHP's website for access by stakeholders.

Regarding disaster recovery activities, Ms. Loichinger recently returned from a trip to San Juan, Puerto Rico, with FEMA's FPO John Ketchum and ACHP Disaster Liaison Valerie Gomez. The trip provided an opportunity for numerous site visits and a training seminar with FEMA's historic preservation staff, as well as training for the state agencies regarding the Section 106 process. As the shift from response to recovery just recently began, permanent recovery work is just now being developed. The FEMA PA has been helpful in streamlining the Section 106 process; HUD's Responsible Entity recently signed onto it, which will assist them in expending their disaster recovery funds. Mark Wolfe (NCSHPO) added that the Texas SHPO just received its contract from NPS for the subgrant to support disaster recovery projects but that administrative hurdles still remain before the funds can be made available to projects.

## **NATIVE AMERICAN AFFAIRS COMMITTEE**

Committee Chairman Reno Franklin convened the meeting, and ACHP Vice Chairman Leonard Forsman offered a traditional opening.

Chairman Franklin introduced a special guest speaker, Victor Carmen-Lopez, to talk about *Global Indigenous Youth: Through Their Eyes*. Mr. Carmen-Lopez provided background on his work as a member of the United Nations Global Indigenous Youth Council and the key issues that led him to suggest the publication. He served as the editor, and authors were selected from each indigenous region of the United Nations.

### **Traditional Knowledge Initiative**

Chairman Franklin explained that traditional knowledge is the interpretation of what sacred places are and is based on culture, tradition, and sacredness; a complex understanding of place. He went on to talk about the Environmental Protection Agency's (EPA) work with traditional ecological knowledge (TEK) and explained that TEK and traditional cultural knowledge are intertwined.

Valerie Hauser explained that traditional knowledge is not a new topic. The NHPA was amended to recognize it in acknowledging that properties of religious and cultural significance to Indian tribes and NHOs could be eligible for the National Register. The Section 106 regulations include traditional knowledge as "special expertise" and require that federal agencies acknowledge tribal and NHO special expertise.

Ms. Hauser explained that Office of Native American Affairs (ONAA) staff decided to focus on traditional knowledge to address the long-standing disrespect in the Section 106 process toward Indian tribes and tribal knowledge. And, the United Nations Permanent Forum on Indigenous Issues' focus on traditional knowledge this year provides an opportunity to highlight issues regarding how it is perceived. The purpose of the initiative is to build respect and help non-Native people understand it. The ultimate aim is for traditional knowledge to be viewed at the same level as "scientific knowledge."

ONAA staff has begun discussions with EPA as the logical partner. ONAA and EPA staff hosted a webinar for EPA staff in March and plan to host another in May. ONAA has also drafted an information paper on traditional knowledge. Staff is not seeking to define it but rather to provide information to help Section 106 practitioners understand what it is and how it is used in the review process.

Members discussed the importance of preservationists to recognize and understand traditional knowledge and issues with consultation and the failure to acknowledge tribal expertise. Members acknowledged that this effort would take time; that it is an education process. Members also discussed whether the ACHP should issue guidance about traditional knowledge and ultimately decided that educating practitioners was more appropriate. Members do not want it to become just another box to check in the Section 106 process.

Ms. Gaughen explained that traditional knowledge is "whatever the tribes say it is." Rather than issuing guidance, it is more important to lay the groundwork for something that is enforceable. She also explained that there is disconnect between traditional and scientific knowledge. Scientists' pursuit of knowledge about the past is not a right. Tribes have a right to protect that knowledge. Dorothy Lippert explained that there is suspicion among scientists that traditional knowledge is invented to protect sites to stop projects. Traditional knowledge holders need to be respected as experts. Dr. Lippert suggested that bringing tribal youth into historic preservation careers is one way to change the narrative.

Katherine Slick suggested finding some positive examples or a court case reversing a decision that did not incorporate traditional knowledge.

Alicia Sylvester (DoD) indicated that the committee should see the information paper before publication. Ms. Guen suggested that historic preservation should be looking forward as much as it looks back.

Chairman Franklin asked Governor Tim Menchengo of the Santa Ana Pueblo if he would like to speak to the issue. The governor spoke at length in his language. He then explained that traditional knowledge cannot be defined by an organization or by someone who has not had it handed down to them respectfully. He stated that everything being discussed has been discussed over and over. He suggested that federal agencies need to respect tribal governments as governments. Tribes had governing systems before Europeans came and still have that governance now. Traditional knowledge is the knowledge of that governance and is not something one can get in recommendations or guidance.

Governor Menchengo suggested that regulations and laws are needed to give teeth to the ideal of building respect for traditional knowledge. He said he believes tribes need to determine how to proceed, and if people do not accept what Native people say, we will never move beyond just ideals and where we are now.

The governor also explained that emotions, experiences, and actions inherent in traditional knowledge cannot be conveyed through a document about Section 106 consultation. The process is designed to protect the past, not the future, and projects often just roll through. He suggested the need to protect the past to protect the future. He said that progress would not be made until tribal and religious leaders have

the right to put the language into these documents and into the regulations. It should not be guidance or recommendations, but actual regulations.

### **Strategic Plan**

Ms. Hauser explained that there will be a discussion about strategic planning at the business meeting. In preparation for that discussion, the committee should consider recommendations for Chairman Franklin to present.

She reminded the committee members that, at the committee meeting in October 2018, they asked for a summary of what the ACHP has accomplished before they could meaningfully engage in strategic planning. That list is now in the meeting book. She suggested that the members focus on broad goals, not at the individual project level. She asked the members to consider if the existing strategic goals adequately capture what the ACHP is currently committed to or might want to do in the future. She also asked if the one strategic plan goal focused on tribal and Native Hawaiian policy work is adequate to meet the direction the members want the ACHP to take.

Chairman Donaldson suggested that something should be included in the regulations to encourage a more strategic approach. Mr. Tannenbaum suggested the ACHP-Salish Kootenai College initiative be considered a priority. Ms. Guen suggested youth be trained to define and manage traditional knowledge. Ms. Slick suggested that ACHP training be expanded to specifically train private sector cultural resource professionals, acknowledging that they do much of the preservation work. Chairman Donaldson suggested that a Native youth representative be added to the committee. Finally, Governor Menchengo suggested that the ACHP meet in the Southwest and New Mexico to discuss strategic planning with Indian tribes.

### **ACHP-Salish Kootenai College (SKC) Partnership**

Ms. Hauser provided an update on the partnership, explaining that the 35-day shutdown necessitated the cancellation of plans to co-host a federal-tribal summit at SKC as well as the proposed internship program in Washington, D.C. Instead, ONAA and the ACHP Foundation will work with SKC to develop the program further and memorialize commitments in an agreement.

## **COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE**

Committee Chairman Robert Stanton opened the meeting with a discussion of the full-time chairman transition and budget. Chairman Donaldson noted that Aimee Jorjani's nomination may make it to the full Senate next week. Mr. Fowler commended Ms. Slick and Chairman Stanton's efforts in securing a \$7 million budget for the ACHP in the Congress.

### **Youth Outreach**

Susan Glimcher discussed the Historically Black Colleges and Universities (HBCU) projects focusing on engaging youth and building a more inclusive historic preservation program. She shared a fact sheet about the Touching History project and thanked the NPS and National Trust for their assistance and partnership with the ACHP. She discussed the plans for starting a second program at Tuskegee University this summer. Ms. Glimcher also mentioned the ACHP has been invited to participate in the annual HBCU conference in September. She asked committee members for their thoughts on where the program should go from here. Options include adding more schools and extending the reach to Latino and Asian American-serving schools.

Ms. Glimcher also asked members for their thoughts on how to better market this program and how to involve more ACHP members. Mr. Hoyos mentioned that architecture schools do not attract diverse students, and getting a job in the field is a daunting task. He said he is willing to be of assistance and

noted it is important to partner with those who can leverage other forms of outreach like planners, NCPE, and the AIA. He also suggested focusing on technology, in particular architectural technology, along with sustainability and energy training. Mr. Tannenbaum suggested getting the Touching History project on the agenda of the Congressional Black Caucus Foundation's annual meeting. Mr. Franklin told about his tribe's ownership of a construction management firm and the partnership with California State University-Chico for education in construction management. He suggested that such a model could work with other ethnic communities. Ms. Guen added that promoting historic preservation with landscape architecture is also a good foundation, and it would be good if the ACHP project could help with credentialing for students.

Stephanie Hamlett (DOI) said paid internships are scarce, but federal agencies have the ability to set aside spaces that would be available for students in certain programs. Joy Beasley (NPS) said the NPS is happy to demonstrate what role it plays in the national historic preservation program for the students and hopes they will apply what they have learned as they go forward with their careers. There will be chances for them to interact with the NPS programs even if they do not end up working for NPS, and they have a foundation now.

### **Social Media**

Lynne Richmond discussed the plans for an ACHP podcast series to be unveiled for Historic Preservation Month in May. She said it is inexpensive to get started, and it would give the ACHP viewership a chance to see some behind-the-scenes action of the agency or a particular issue discussion or a site visit. Members discussed the amount of staff time needed to produce films like this and how to market it so as not to overwhelm viewers with too many videos.

### **Publications**

Shayla Shrieves announced that the Section 106 Success Story project is coming to a close with the publication of the 106th story just this week. Staff has worked for several years to write these stories and will be producing an online compendium for use in the future. It will be indexed in several ways. Members discussed the current uses of the success stories, for instance, they have been used as leave-behinds in congressional visits, in training, in meetings with tribal leaders, in conferences and meetings with federal officials. They continue to provide a quick and easy explanation of the Section 106 regulations to a lay audience.

### **Strategic Planning**

Chairman Donaldson noted Ms. Jorjani will want to make adjustments to the strategic plan, and with her interface with the staff on a daily basis, this will inform the planning. Ms. Glimcher noted the Office of Communications, Education, and Outreach will suggest that the office continue to build on engaging youth, building a more inclusive preservation program, online initiatives, and raising awareness of the ACHP and the basics of historic preservation to a wide range of audiences. Mr. Franklin suggested establishment of best practices for historic preservation in post-natural disaster cleanups and updating a toolkit. Kevin Murphy (National Trust for Historic Preservation) suggested climate change adaptation would be an important topic to discuss. Mr. White said carrying on the mission of Preserve America would also make sense to include. Partnerships and interface with ACHP members was also discussed as well as keeping up-to-date on current legislation.

## **PRESERVATION INITIATIVES COMMITTEE**

### **ACHP Strategic Planning**

After welcoming attendees to the meeting, Committee Chairman Brad White opened discussion of the agency's accomplishments under the current Strategic Plan and asked for feedback on priorities that should shape development of a revised plan. He noted his own interest in legislative issues, climate

change, implementation of the ACHP's Preservation<sup>50</sup> recommendations, and preservation's economic benefits.

Ms. Slick mentioned the importance of seeking long-term funding for digitization and survey of information on historic properties. Mr. Tannenbaum noted that planning for the United States' 250th anniversary has begun, including designation of the U.S. Semiquincentennial Commission. He questioned whether the ACHP might play a role with the Commission and noted that past ACHP staff member Michael Quinn was consulting on the initiative. Chairman Donaldson—a Trustee of US/ICOMOS—recommended expanding the strategic plan's emphasis on international preservation and increasing partnership efforts with US/ICOMOS. Mr. Fowler noted that the ACHP is an institutional member of US/ICOMOS and has a statutory role to play under the NHPA as a cooperating party in participation by the United States in the World Heritage Convention. Also, the ACHP and US/ICOMOS are in discussions regarding the ACHP Office of Native American Affairs providing support for a newly constituted US/ICOMOS Indigenous Cultural Heritage Committee.

Mr. Hoyos stressed the need for the ACHP to do more regarding climate resilience and adaptation, and asked if the ACHP might issue guidance on the subject in the context of Section 106 review. Mr. Hein noted that NCSHPO has been exploring mitigation approaches for adaptation. He mentioned the problem of Historic Preservation Fund (HPF) disaster grant funds not being available for projects that result in an adverse effect to a historic property even if the intervention saves the property. He also noted that issuance of NPS guidance on historic properties and flooding is pending. Ms. Slick noted that traditional knowledge regarding cultural landscapes has a role to play in climate adaptation discussions. Ms. Guen stressed that consideration of cultural landscapes is important to achieving climate resilience.

Chairman Donaldson stressed the importance of following through with implementation of the Preservation<sup>50</sup> report recommendations. He also raised the issue of revisiting the ACHP's committee structure to address any redundancies. Ms. Slick recommended continuing and expanding the internship program but noted the need to examine its organizational efficiency given that aspects are run out of three different offices. Mr. Fowler noted that organizational realignment in general will need to be considered following confirmation of the new chairman and development of a new strategic plan. Chairman White stressed the need to identify new sources of financial support for the ACHP and develop new financial partnerships.

Ms. Slick raised the question of how the ACHP approaches legislative issues and advocates for legislation, and she asked how the legislative agenda is set. Mr. Fowler stated that the members set the legislative agenda, and Chairman White noted that the new chairman will play an expanded role in coordinating with Congress. Mr. Fowler said Ms. Sullivan has recommended that the ACHP have a full-time legislative liaison. Both Mr. Hein and Chairman White agreed with that recommendation, and Mr. Wolfe noted that the Texas SHPO has a similar staff position that has been very effective. Mr. Hein noted the importance of gaining greater "insider" knowledge regarding the likelihood of legislation advancing. Ms. Guen stressed the need to be more proactive in legislative affairs. Ted Monoson (NCSHPO) described some of his congressional outreach work and the role that individual SHPOs play in working with NCSHPO to promote preservation concerns in Congress.

Mr. Fowler asked what legislative activities the ACHP should be doing that it does not do now, such as host briefings for congressional committees and caucuses. Mr. Hoyos recommended reaching out to each new member of Congress. Mr. Hein recommended developing staff relationships. Chairman Donaldson suggested cultivating relationships with members of the Historic Preservation Caucus. Nancy Boone (HUD) noted that the congressional liaison for HUD's Office of Environment and Energy works to address controversial cases and put forward the facts of the situation to Members of Congress.



Mr. Fowler discussed several points regarding the ACHP's coordination with Congress. Unlike other agencies, the ACHP does not have to obtain clearance from the Office of Management and Budget before commenting on legislation. The ACHP also can draft legislation and seek a congressional sponsor. He said it is not clear whether the ACHP would need someone working full-time or part-time on congressional issues given the relatively small number of congressional committees the ACHP normally works with.

### **Legislation in the 116th Congress**

Chairman White noted the positive measures included in the recently passed John D. Dingell Jr. Conservation, Management, and Recreation Act and thanked the preservation partners for their work on the legislation. A landmark piece of conservation legislation, the Act permanently reauthorized the Land and Water Conservation Fund and reauthorized the Historically Black Colleges and Universities historic preservation program through 2024.

Office of Preservation Initiatives Director Dru Null briefed the attendees on the staff proposal that the ACHP continue with its legislative agenda for the previous Congress pending confirmation of the new chairman. Many of the issues of concern for the ACHP in the previous Congress remain the same in the 116th Congress. There was general consensus with this approach.

Mr. Monoson reported on several legislative points of interest. There have been discussions in the House Natural Resources Committee about pursuing permanent authorization for the HPF. This year's HPF level is historically high, but the figure for FY 2020 will be influenced by the outcome of congressional discussions regarding overall spending caps for the next two years. The preservation partners are in agreement on a request of \$141 million for the HPF, and a "Dear Colleague" letter is circulating and gaining signatories in the House. A similar Senate letter is under development. The Historic Tax Credit Coalition is working on a new bill that would enhance the existing credit and effectively recapture some of the value lost when the timing for taking the credit was changed in last year's tax overhaul.

### **White House Opportunity and Revitalization Council**

Ms. Boone reported that HUD is still considering the ACHP's recent request to be added as a member of the White House Opportunity and Revitalization Council (Council). HUD will be issuing a call for public comments on how the goals of the Council can be best fulfilled. The agency also will be issuing regulations regarding investment in Opportunity Zones. While use of the Opportunity Zone tax credit would not trigger Section 106 review, projects will often involve federal funding or approvals that would necessitate such review.

Ms. Merritt reported that Connecticut had proposed exempting projects in Opportunity Zones from the state historic tax credit. The bill has since been modified to apply only in small towns. This is one example fueling concerns that Opportunity Zones could have negative as well as positive consequences for historic properties.